

EASTERN DISTRICT OF TEXAS

CIVIL ACTION NO. 1:11-CV-124

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After careful consideration, the court concludes Plaintiff's objections are without merit. Plaintiff complains that nurses at the Stiles Unit failed to follow orders given by a physician not located at the prison and decided to medicate him their own way. Additionally, plaintiff complains of assault and retaliation by the defendants. The alleged assault consisted of defendant Shoemaker pointing his finger at plaintiff's chest and giving plaintiff a "chest bump." Further, plaintiff claims defendant Harrell, the Grievance Coordinator, threatened to retaliate against him for filing grievances by having him placed on grievance restriction. While plaintiff's complaints are

numerous and concern many defendants, such allegations are factually insufficient to demonstrate he was in imminent danger of serious physical injury at the time he filed the complaint. *See Banos v. O'Guin*, 144 F.3d 883, 884 (5th Cir. 1998). Further, any fear of future harm is purely speculative. Section 1915(g) therefore bars plaintiff from proceeding further with this lawsuit on an *in forma pauperis* basis.

ORDER

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 24th day of February, 2012.

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE